

Session #5

**State/Tribal Transportation Planning
Relations and Strategies**

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Abstract

Both ISTEA and the creation of Regional Transportation Organizations, growth management legislation, have resulted in a greatly increased need to coordinate transportation planning with Native American Tribes. Some of the problems encountered are lack of coordination between tribal transportation plans and state and regional transportation plans. This lack of coordination in many ways has hindered the ability to construct a seamless multimodal transportation network in some areas of the state.

Washington State has responded to this challenge by joining with the tribal nations to hold an annual Tribal/WSDOT Transportation meeting. Since 1994, the two groups have met annually to discuss mutually agreed upon issues. At the conclusion of each meeting, advisory groups have been formed, with membership from both the tribes and WSDOT, to work on identified issues. Before the next annual meeting the advisory groups meet and formalize recommendations and solutions to the issues. These recommendations are then brought forward to the entire group at the next annual meeting.. Some of the issues that have been addressed so far:

Issue

Tribal knowledge of ISTEA

Solution

[Transportation Guidebook for Tribal Governments](#)

Tribal Representation on RTPOs

Many Tribes are now represented on RTPO advisory and policy boards

Tribal Representation on Transportation Commission

Pending

Some of the lessons learned in this process are: that tribal nations are sovereign nations and each tribe deals with transportation issues differently; you must develop relationships with tribal nations before you can solve the problem; you must go slow--- the Tribal timeline is not the same as WSDOT's timeline.

State/Tribal Transportation Planning Relations and Strategies

In this paper I will to give the reader some background information on governance in Washington, identify some key transportation planning issues, describe how transportation planning is accomplished in Washington, describe some lessons learned in working with the tribal nations in Washington and outline some real successes.

To begin, the state of Washington has 27 federally recognized tribes in the state. Each tribe is a unique sovereign nation. When I first began working with tribal governments it became obvious they take their sovereignty very serious. For example at a tribal conference a tribal chair explained his position as being equal to the President of the United States but he would “stoop as low as the governor’s office if he had to.” In addition there are 39 counties, 277 incorporated cities and towns, 8 Metropolitan Planning Organizations (MPOs) and 14 Regional Transportation Planning Organizations (RTPOs) in the state. Each of these governments is unique and has specific transportation planning requirements and issues that they must deal with. Due to the variety of governments and issue's coordination is at best difficult.

The importance of Tribal Sovereignty was strengthened when then Governor Booth Gardner signed the Governors Accord in 1989. The Accord is a document that reinforced the fact that each tribal government is an independent sovereign nation and each department within the state must initiate policies and strategies to work with each tribal government. In 1993 the Washington State Department of Transportation (WSDOT) responded to the Governor’s Accord by joining with the Tribal nations in a Tribal/State Transportation Meeting in Olympia. During this one day meeting the state tried to respond to transportation issues. During the meeting the Tribes indicated that they were not as familiar with ISTEA as the State. At the conclusion of this first meeting, WSDOT, with tribal assistance, agreed to write a manual to assist the tribal governments in working with the State in implementing ISTEA. The result is the **Guide to Tribal Transportation Planning in Washington State**. A copy of this document was provided to each tribal nation.

Key Issues

When dealing with tribal nations it is important to keep in mind that each one is unique. Each tribe has a separate council and each tribe only speaks for themselves. They are fiercely independent. Each tribe has different priorities, and may or may not have the resources to staff planning organizations within their structure. One thing that is universal throughout the state is that the transportation needs for tribes far exceeds the transportation revenues that are currently available in the state. In addition, planning funds that are available to tribes through the Bureau of Indian Affairs is insufficient. Although construction funds available to the tribes can also be used for developing transportation plans for their reservations few take advantage of it since those funds would be substituted for capital improvements which are also very much needed.

Transportation Planning in Washington State

In 1990, Washington State passed the Growth Management Act (GMA). The law requires that the fastest growing communities in the state to develop comprehensive plans that link land use with transportation facilities. Twenty-nine of the 39 counties and their cities and towns are currently planning under the GMA. Tribal governments although impacted by growth, cannot be required to plan under GMA.

The GMA can be characterized by the **4 C's**: Consistent, Coordinated, Comprehensive and Concurrency.

Consistent-The GMA requires that each city or county required to plan under the act must develop a plan whose planning elements are internally consistent. This means that the data used for the land use assumptions must be the same that are used to develop the transportation, water, sewer, park, school and other municipal capital facilities' plans. The counties and cities are also required to develop development regulations that are consistent with the plan.

Coordinated-The GMA requires that each adjacent jurisdiction coordinate with each other to insure coordinated development of capital facilities and land use patterns. At first this was a difficult task since many jurisdictions did not coordinate with their neighboring jurisdictions and unincorporated county areas.

Comprehensive-The GMA requires that each jurisdiction cover the same areas such as land use, transportation, housing, environmentally sensitive areas, water, sewer, schools, parks and recreation to name a few. The comprehensive plan is to cover a 20 year planning horizon. Each jurisdiction must determine where they anticipate the growth will occur and where new capital facilities will be required to serve the growth.

Concurrency-Providing the facilities as growth occurs is a cornerstone of the act. Specifically for transportation facilities there must be a funding mechanism to pay for new facilities within 6 years of the growth activity that needs it. The GMA allows for concurrency for other capital facilities to accommodate growth but it **requires** it for transportation impacts caused by growth.

Unfortunately, tribal nations are not required to plan under the GMA. Coordination and cooperation between cities and counties are therefore hampered as a result.

Regional Transportation Planning Organizations were also authorized by the GMA. RTPOs are made up of a county or counties and their cities and towns comprising a minimum population of 100,000. Jurisdictions comprising 75% of the population must agree to form an RTPO. The State Legislature funds the RTPOs. The major duties of the RTPOs are to: develop a Regional Transportation Plan (RTP); Develop a 6 Year Regional Transportation Improvement Plan to implement (RTIP) the RTP and to review the transportation element of local comprehensive plans and certify that they are consistent with the RTP. ISTEA enhancement projects were also prioritized through the RTPOs.

RTPOs are voluntary organizations. They are very similar to MPOs except that they look at both rural and urban transportation needs. All but one county belongs to an RTPO. San Juan county in the northwest corner of the state has no regional facilities other than the Washington State Ferry System that serves the islands. Although tribes are not required to belong to an RTPO many do voluntarily. In fact some RTPOs have included tribal membership on their policy boards. Many tribes have successfully competed for ISTEA enhancement funds through the RTPO process. In addition many transportation facilities that are important to tribal lands have been included in the RTPs and RTIPs.

Prior to ISTEA Washington State began developing a 20 year Multimodal Transportation Plan. The plan identifies the current state owned and state interest transportation facilities. Those areas included in the state owned are aviation, state and interstate highway facilities and the ferry system. Bike, pedestrian transit, freight and intercity rail facilities are included in the state interest plan. The plan is fiscally constrained. The plan identifies funding sources and strategies to meet the identified service objectives for each mode. The Washington Transportation Commission prioritizes the state program and projects based on the plan. The Plan satisfies both state and federal law.

The 14 RTPOs work in coordination with the state to develop the plan. A comprehensive outreach and public involvement plan are used to insure that all of the state's stakeholders are included in the development of the plan. The RTPOs include tribal participation in this effort.

Lessons Learned

Tribal governments are very protective of their sovereignty and they are very independent. It is very important to develop a relationship with each tribe before proceeding with a plan or program that may impact them. Like local governments one tribal council does not speak for a successive one. Local agencies must be very patient when working with tribes. In some case a tribe has been working on the same issue for many years. Local and state agencies must involve tribes very early in the process to be successful. When addressing a tribal council, silence does not mean concurrence. In many cases councils will want to fully digest what it is that you are proposing. In summary to be successful in working with tribes, learn their culture and show respect for it and always keep in mind that Indian time is different than yours.

Successes

Since 1993 WSDOT and the tribes have met annually. At each meeting participants have focused on previously agreed issues. Formal joint committees have been formed each year to develop policies regarding these issues. For example, to meet the needs of the tribal governments in understanding how transportation planning was accomplished in Washington state, the **Guide to Tribal Transportation Planning in Washington State** developed by a joint committee. As a result of another annual meeting a group was formed to develop a model memorandum of understanding stating how WSDOT would coordinate with tribal governments on construction projects.

In addition, there has been an increase awareness of and respect for tribal sovereignty. As a result WSDOT/Tribal relations have improved in many areas. Prior to holding these annual meetings tribal participation in RTPOs was low. Today, approximately 75% of the tribes participate in the RTPO process.

In closing, although Tribal/WSDOT relations are not perfect in Washington state, there is a process that is working to some degree. In Washington State we have a Governor and Secretary of Transportation that are committed to improving how state government agencies work with our tribal partners.